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1328
120203
U.S. PTO

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	1530.0610001/EKS/J-H
First Inventor	Andrew GEALL
Title	Method for Producing Sterile...Medicaments
Express Mail Label No.	

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)

2. Applicant claims small entity status.
See 37 CFR 1.27.

3. Specification [Total Pages 43]
(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (*if filed*)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. Drawing(s) (35 U.S.C. 113) [Total Sheets 7]

5. Oath or Declaration [Total Sheets]

- a. Newly executed (original or copy)
- b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. Application Data Sheet. See 37 CFR 1.76

7. CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)

8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

- a. Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
- c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))

10. 37 CFR 3.73(b) Statement Power of
(when there is an assignee) Attorney

11. English Translation Document (*if applicable*)

12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations

13. Preliminary Amendment

14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.

17. Other: Authorization under 37 CFR 1.136(a)(3)
..... The name of the assignee is: .. Vical Incorporated ..

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No.:

Prior application information: Examiner _____ Art Unit: _____
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.
 The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS
 Customer Number: 26111 OR Correspondence address below

Name	Sterne, Kessler, Goldstein & Fox P.L.L.C.		
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Eric K. Sieffe	Registration No. (Attorney/Agent)	36,688
Signature	<u>John M. Court Reg. No. 38759</u>		Date <u>Dec. 2, 2003</u>

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

2386 U.S. PTO
120203



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GEALL *et al.*

Appl. No.: *To Be Assigned*

Filed: Herewith (December 2, 2003)

For: **Method for Producing Sterile
Polynucleotide Based Medicaments**

Confirmation No.: N/A

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 1530.0610001/EKS/J-H

**Authorization to Treat a Reply as Incorporating an
Extension of Time Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

John M. Conrad Reg No 38,759
for Eric K. Steffe
Attorney for Applicants
Registration No. 36,688

Date: December 2, 2003

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•Practice Limited to Federal Agencies

December 2, 2003

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Mail Stop Patent Application

Re: U.S. Non-Provisional Patent Application under 37 C.F.R. § 1.53(b)
Appl. No. *To Be Assigned*; Filed: Herewith (December 2, 2003)
For: **Method for Producing Sterile Polynucleotide Based Medicaments**
Inventors: GEALL *et al.*
Our Ref: 1530.0610001/EKS/J-H

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
2. U.S. Utility Patent Application entitled:

Method for Producing Sterile Polynucleotide Based Medicaments

and naming as inventors:

Andrew GEALL
Joel ENAS

the application consisting of:

- a. An Application Data Sheet (37 C.F.R. § 1.76);
- b. A specification containing:
 - i. 38 pages of description prior to the claims;
 - ii. 4 pages of claims (27 claims);

Commissioner for Patents
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- iii. a one (1) page abstract;
- c. 7 sheets of drawings: (Figures **1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B and 7**); and
- 3. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3); and
- 4. Two (2) return postcards.

The name of the assignee is Vical Incorporated.

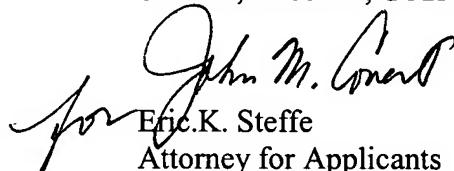
Correspondence should be sent to Customer Number 26111.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

This patent application is being submitted under 37 C.F.R. § 1.53(b) without Declaration and without filing fee.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


for *John M. Conrad*
Eric.K. Steffe
Attorney for Applicants
Registration No. 36,688

EKS/J-H:kim
Enclosures

SKGF_DC1;203928.1